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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,503

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EXAMINER

WONG, BLANCHE

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,503	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> BLANCHE WONG	<b>Art Unit</b> 2476	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Pre-Appeal Brief Request for Review, filed January 28, 2010, with respect to the rejection(s) of claim(s) 1-25 under 102(b) rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Focsaneanu (US 2004/0034705).

### ***Claim Objections***

2. Claims 2-4,6,8-10,12,14-16,18-25 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

With regard to claim 2, claim 1 recites "said at least one access device being separate and distinct from said at least one of a plurality of access points" and "requesting from said at least one of a plurality of access points a status of said at least one access device". Inherently, the step of requesting requires at least one messaging. Therefore, claim 2 reciting "said requesting comprises sending at least one status request", is inherent and does not further limit the subject matter of claim 1. Similarly for claims 8,14,20,24.

Similarly, claim 1 recites "receiving a response from said at least one of a plurality of access points". Inherently, the step of receiving requires at least one

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messaging. Therefore, claim 3 reciting "receiving [a response] ... at least one status reply message" is inherent and does not further limit the subject matter of claim 1. Similarly for claims 9,15,21,25.

Furthermore, claim 4 recites "said at least one discovery message, said at least one status request message and/or at least one status reply message". Inherently, they are all messages which follow some protocol. Therefore, the term "messaging protocol message" is inherent and does not further limit the subject matter of claim 1. Similarly for claims 10,16,22.

With regard to claim 6, claim 1 recites "broadcasting ... to at least one of a plurality of access points". Claim 6 recites "broadcasting ... only to one or more of said plurality of access points located in a particular subnetwork". Clearly, the plurality of access points can be in one or more networks and/or subnetworks. Therefore, the term "a particular subnetwork" does not further limit the subject matter of claim 1. Similarly for claims 12 and 18.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 7-12** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 recites a computer-readable medium. However, the medium is not defined to exclude transitory media such as signals or transmission media

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(Signals are non-statutory subject matter, MPEP 2106.IV.A.1). The broadest reasonable interpretation of such a medium includes transitory propagating signals. Claims 8-12 are also rejected since they depend from claim 7 and contain the same deficiency. The 101 rejection can be overcome if 1) the claim recites "non-transitory" medium and 2) the specification is amended to recite that the medium is "non-transitory" respectively.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Focsaneanu (US 2004/0034705).

With regard to claims 1,7,13,19,23, Focsaneanu discloses

broadcasting ("**interrogates the other address servers**", para. [0070])

(**See Also "55 Queries All AS's [address servers]" in Fig. 5**) at least one discovery message ("**query signal**", para. [0070]) to at least one of a plurality of access points (**e.g. address server 45**) (**address servers 44,45,46,47 in Fig.**

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**4A and 5, para. [0061]) (“The address server is also provided with network communication capabilities ....”, para. [0063]);**

receiving a response (**“query response signal”, para. [0070]**) from said at least one of a plurality of access points (**address server 45**), said response reporting a presence of at least one access device (**e.g. user U6 in Fig. 4A and 5**)(**“If address server 45 finds UID6 [user U6] in memory 44', it responds to the query ....”, para. [0070]**) located within a coverage area of said at least one of a plurality of access points (**responding to a query indicates a presence**)(**See Also US 2004/005859, “respond to the queries to indicate its respective presence”, para. [0345] and US 2003/0226033, “a response to the broadcasting node indicating its presence in the unbounded computing space”, para. [0037]**), said at least one access device (**user U6**) being separate and distinct from said at least one of a plurality of access points (**address server 45**); and

requesting from said at least one of a plurality of access points (**e.g. address server 47**), a status (**network address indicates a “connected” status, “not connected”, “not allowed”**) of said at least one access device (**e.g. user U4**) located within said coverage area of said at least one of a plurality of access points (**e.g. if an address server have a network address of a user, the query response includes the network address. If an address server does not have a network address for user U4, the query response is “not connected”**) (**“However, address server 47 does not have a network address for user since device is not connected to the network. Address**

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**server responds to the query by sending a "not connected" message ....", para. [0071]) (See Also "not allowed" , para. [0075]).**

With regard to claims 2,8,14,20,24, Focsaneanu further discloses said requesting comprises sending at least one status request message (**"query signal"**, para. [0070]).

With regard to claims 3,9,15,21,25, Focsaneanu further discloses said receiving at least one status reply message (**"query response signal"**, para. [0070]).

With regard to claims 4,10,16,22, Focsaneanu further discloses a messaging protocol message (**query**).

With regard to claims 5,11,17, Focsaneanu further discloses broadcasting from a server (**e.g. address server 44**).

With regard to claims 6,12,18, Focsaneanu further discloses broadcasting to one or more of said plurality of access points (**"interrogates the other address servers"**, para. [0070]) (See Also **"55 Queries All AS's [address servers]"** in Fig. 5) (no previous subnetwork is claimed, therefore, one or more of these address servers can be located in one or more respective subnetwork(s)).

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANCHE WONG whose telephone number is (571)272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art  
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Examiner, Art Unit 2476  
June 3, 2010